THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.19696 OF 2002

DT:09-08-2005

Between:

Sri Syed Mohd.Abdul Gaffar Quadri,

S/o Abdul Jaffar, Aged 98 years,

R/o: 20-4-231/1/10, Quilwat Mubarak,

Chudikhana, Hyderabad.

….. Petitioner

A n d

1. Government of Andhra Pradesh

Represented by its Secretary,

Revenue Department, Hyderabad & **5 others**

…. Respondents

THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO. 19696 OF 2002

ORDER:

This writ petition has been filed by Syed Mohd.Abdul Gaffar Quadri, with a prayer to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondents in granting and paying compensation towards loss caused to the petitioner during the incidents occurred on 09-09-1984 near Osmangunj Library, Osmangunj, 23-10-1990 near

Jama Masjid, Kukatpally and 08-12-1990 Osmania Library, Osmangunj, as arbitrary and illegal.

The petitioner was aged 98 years as on the date of filing of the writ petition. As on this date, he may be about 101 years. Incidents in which the petitioner allegedly lost his two sons and property are narrated in the writ affidavit in such a way that anyone clings towards the petitioner's version. It is stated in the affidavit that he lost two of his sons in communal riots that occurred in the years 1984 and 1990, besides his property such as fruit push carts. He submitted various representations to various authorities. Since his representations did not yield fruitful results, he tapped the doors of this Court by invoking extraordinary jurisdiction under Article 226 of the Constitution of India.

The sixth respondent filed counter-affidavit. It is stated in the counter-affidavit that two crimes referred to by the petitioner do not relate to the death of the sons of the petitioner. It is useful to refer para '4' of the counter-affidavit and it is thus:

> "It is to be submitted that as per the FIR Index of the 5th respondent for the year 1991 the petitioner lodged a complaint on 17-01-1991 at 12-15 hrs stating that on 08-12-1990 at about 11-00 P.M., some unknown persons damaged his fruit shop at Afzalgunj and also committed theft of fruits. On his complaint, a case was registered as Crime No.24/91 U/Ss 147, 148, 427, 379 IPC at Afzalgunj P.S. It is submitted that after investigation, the above case was deferred for lack of evidence on 27-03-1991. The said Crime No.24/91 do not relate to death of the petitioner's son Syed Naseer. In fact, the petitioner approached the Revenue authorities stating he has sustained fracture on his right leg at the knee joint and also below the knee and his fruit pushcarts were damaged during the communal riots and requested for financial assistance. Accordingly, after taking into old age and his disability due to fracture, on sympathetic and humanitarian grounds, an amount of Rs.5,000/- has been sanctioned as an *ex gratia* from the Hon'ble Chief Minister's Relief Fund and a cheque bearing No.795729 dated 18-10-2002 and the same was issued to the petitioner. In view of the fact that the Crime No.256/1984 not related to the petitioner and not at all registered as alleged by the petitioner and it relates to a suicidal death, the writ petition is misconceived one and liable to be dismissed with costs.'

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for respondents.

Learned counsel for the petitioner submits that the petitioner presented a report before the Station House Officer, Afzalgunj Police Station regarding the incident that occurred on 09-09-1984 and thereupon a case in Cr.No.256 of 1984 came to be registered and, therefore, the plea of the respondents that no incident occurred on 09-09-1984 cannot be believed. Emphasis has been laid on a copy of the First Information Report in respect of Cr.No.256 of 1984. At the first blush, the contention of the learned counsel for the petitioner appears to be sound, but on a close scrutiny of the record, I express my inability to accept the same since the copy of the First Information Report on which he relies is neither a certified copy nor a true copy issued by the authorities concerned. Therefore, the only alternative left to him is to refer the particulars mentioned by the respondents in their counter-affidavit in respect of Cr.Nos.256 of 1984 and 24 of 1991. Cr.No.256 of 1984 is registered under Section 174 of Cr.PC regarding the suicidal death of one Smt.Saroja and whereas Cr.No.24 of 1991 is registered under Sections 147, 149, 324, 436, 427 IPC. Had these two crimes relate to the homicidal death of the sons of the petitioner, a crime could have been registered under Section 302 IPC, but not under the sections referred above. Though this Court has ample sympathy to the pathetic condition of the petitioner, but for want of necessary particulars, this Court is not a position to grant any relief.

Accordingly, the writ petition is dismissed, as devoid of merits.

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09-08-2005.

Lrkm.